

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01508-RBW**

CAUSE OF ACTION INSTITUTE v. WHITE HOUSE OFFICE
OF MANAGEMENT AND BUDGET et al
Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 06/26/2018
Date Terminated: 11/15/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**CAUSE OF ACTION INSTITUTE**

represented by **Lee A. Steven**
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LEAD ATTORNEY
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V.

Defendant**WHITE HOUSE OFFICE OF
MANAGEMENT AND BUDGET**

represented by **Benjamin Thomas Takemoto**
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Defendant**UNITED STATES DEPARTMENT
OF AGRICULTURE**

represented by **Benjamin Thomas Takemoto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/26/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5554497) filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Civil Cover Sheet, # <u>9</u> Summons OMB, # <u>10</u> Summons USDA, # <u>11</u> Summons US Att'y Gen., # <u>12</u> Summons Civil Process Clerk)(Mulvey, Ryan)

		(Entered: 06/26/2018)
06/26/2018	<u>2</u>	Corporate Disclosure Statement by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 06/26/2018)
06/26/2018	<u>3</u>	NOTICE of Appearance by Lee A. Steven on behalf of CAUSE OF ACTION INSTITUTE (Steven, Lee) (Entered: 06/26/2018)
06/27/2018		Case Assigned to Judge Reggie B. Walton. (zsb) (Entered: 06/27/2018)
06/27/2018	<u>4</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF AGRICULTURE, WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 06/27/2018)
07/09/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET served on 7/2/2018 (Mulvey, Ryan) (Entered: 07/09/2018)
07/09/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 7/2/2018 (Mulvey, Ryan) (Entered: 07/09/2018)
07/09/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/02/2018. (Mulvey, Ryan) (Entered: 07/09/2018)
07/09/2018	<u>8</u>	ENTERED IN ERROR. . . .RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/2/2018. Answer due for ALL FEDERAL DEFENDANTS by 8/1/2018. (Mulvey, Ryan) Modified on 7/13/2018 (ztd). (Entered: 07/09/2018)
07/09/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/6/2018. Answer due for ALL FEDERAL DEFENDANTS by 8/5/2018. (ztd) (Entered: 07/13/2018)
07/13/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>8</u> Summons Returned Executed in FOIA as to U.S. Attorney, was entered in error and refiled said pleading as docket entry no. <u>2</u> . (ztd) (Entered: 07/13/2018)
08/03/2018	<u>10</u>	NOTICE of Appearance by Benjamin Thomas Takemoto on behalf of All Defendants (Takemoto, Benjamin) (Entered: 08/03/2018)
08/03/2018	<u>11</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF AGRICULTURE, WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET (Takemoto, Benjamin) (Entered: 08/03/2018)
08/06/2018		MINUTE ORDER. Upon consideration of the defendants' <u>11</u> Consent Motion for an Extension of Time, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the defendants shall file their response to the plaintiff's Complaint on or before September 5, 2018. Signed by Judge Reggie B. Walton on August 6, 2018. (lcrbw3) (Entered: 08/06/2018)
08/06/2018		Set/Reset Deadlines: Answer to the Complaint due by 9/5/2018, (hs) (Entered: 08/06/2018)
09/04/2018	<u>12</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF AGRICULTURE, WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Text of Proposed Order)(Takemoto, Benjamin) (Entered: 09/04/2018)
09/05/2018		MINUTE ORDER. Upon consideration of the <u>12</u> Second Consent Motion for an Extension of Time, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the defendants shall file their motion to dismiss the plaintiff's Complaint on or before September 7, 2018. It is further ORDERED that the plaintiff shall file any opposition to the defendants' motion to dismiss on or before October 8, 2018. It is further ORDERED that the defendants shall file any reply on or before October 22, 2018. Signed by Judge Reggie B. Walton on

		September 5, 2018. (lcrbw3) (Entered: 09/05/2018)
09/06/2018		Set/Reset Deadlines: Motion to dismiss complaint due by 9/7/2018. Response due by 10/8/2018 Reply due by 10/22/2018. (hs) (Entered: 09/06/2018)
09/07/2018	<u>13</u>	MOTION to Dismiss for Lack of Jurisdiction by UNITED STATES DEPARTMENT OF AGRICULTURE, WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Index of Exhibits, # <u>4</u> Exhibit Graves Decl., # <u>5</u> Exhibit Mao Decl., # <u>6</u> Exhibit Walsh Decl., # <u>7</u> Exhibit McDonald Decl.)(Takemoto, Benjamin) (Entered: 09/07/2018)
10/01/2018	<u>14</u>	NOTICE of Change of Address by Benjamin Thomas Takemoto (Takemoto, Benjamin) (Entered: 10/01/2018)
10/08/2018	<u>15</u>	Memorandum in opposition to re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit First Mulvey Decl., # <u>3</u> Exhibit Second Mulvey Decl., # <u>4</u> Text of Proposed Order, # <u>5</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 10/08/2018)
10/08/2018	<u>16</u>	MOTION for Discovery , <i>in the alternative, under Rule 56(d)</i> by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Index of Exhibits, # <u>3</u> Exhibit First Mulvey Decl., # <u>4</u> Exhibit Second Mulvey Decl., # <u>5</u> Text of Proposed Order, # <u>6</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 10/08/2018)
10/22/2018	<u>17</u>	REPLY to opposition to motion re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by UNITED STATES DEPARTMENT OF AGRICULTURE, WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET. (Takemoto, Benjamin) (Entered: 10/22/2018)
10/22/2018	<u>18</u>	Memorandum in opposition to re <u>16</u> MOTION for Discovery , <i>in the alternative, under Rule 56(d)</i> filed by UNITED STATES DEPARTMENT OF AGRICULTURE, WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET. (Takemoto, Benjamin) (Entered: 10/22/2018)
10/29/2018	<u>19</u>	REPLY to opposition to motion re <u>16</u> MOTION for Discovery , <i>in the alternative, under Rule 56(d)</i> filed by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 10/29/2018)
12/12/2018	<u>20</u>	NOTICE of Supplemental Declaration by UNITED STATES DEPARTMENT OF AGRICULTURE, WHITE HOUSE OFFICE OF MANAGEMENT AND BUDGET re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Declaration Anthony W. McDonald)(Takemoto, Benjamin) (Entered: 12/12/2018)
04/09/2019	<u>21</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on April 9, 2019. (lcrbw3) (Entered: 04/09/2019)
07/19/2019	<u>22</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by CAUSE OF ACTION INSTITUTE (Attachments: # <u>1</u> Exhibit CoA Inst. v. Internal Revenue Serv., No. 16-2354, slip op. (D.D.C. July 17, 2019))(Mulvey, Ryan) (Entered: 07/19/2019)
09/30/2019	<u>23</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the <u>13</u> Defendants' Motion to Dismiss is GRANTED IN PART AND DENIED IN PART. The motion is DENIED with respect to the defendants' request for dismissal pursuant to Rule 12(b)(1). The motion is GRANTED with respect to the defendants' request for summary judgment pursuant to Rule 56. It is further ORDERED that <u>16</u> Plaintiff Cause of Action Institute's Motion, in the Alternative, for Rule 56(d) Discovery is DENIED. It is further ORDERED that this Order is not a final Order subject to appeal. Signed by Judge Reggie B. Walton on September 30, 2019. (lcrbw2) (Entered: 09/30/2019)
10/31/2019	<u>24</u>	NOTICE of Change of Address by Lee A. Steven (Steven, Lee) (Entered: 10/31/2019)
11/15/2019	<u>25</u>	MEMORANDUM OPINION. Signed by Judge Reggie B. Walton on November 15, 2019. (lcrbw2) (Entered: 11/15/2019)

11/15/2019	<u>26</u>	ORDER. In accordance with the Memorandum Opinion issued on this same date, it is hereby ORDERED that <u>16</u> Plaintiff Cause of Action Institute's Motion, in the Alternative, for Rule 56(d) Discovery is DENIED. It is further ORDERED that the <u>13</u> Defendants' Motion to Dismiss is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED with respect to the defendants' alternative request for summary judgment pursuant to Federal Rule of Civil Procedure 56 raised in the defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). The motion is DENIED in all other respects. It is further ORDERED that summary judgment is ENTERED for the defendants on the plaintiff's Complaint. It is further ORDERED that this case is CLOSED. Signed by Judge Reggie B. Walton on November 15, 2019. (lcrbw2) (Entered: 11/15/2019)
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